

Contracting Without Full and Open Competition Justification and Approval
FAR 6.302-3

1. Agency: U.S. Environmental Protection Agency (EPA)
The National Vehicle and Fuel Emissions Laboratory
Ann Arbor, Michigan

Contracting Activity: OAM/ Cincinnati Procurement Operations Division

Contract No.: EP-C-11-052

Contractor: Taritas Power Systems Inc.
9259 Pine Hill Drive
Saline, MI 48176-9476

2. *Nature and description of this action:* This is a sole source action to include additional maintenance of equipment to the existing contract for managed operations, maintenance, and auxiliary support services necessary to preserve and sustain the continued appearance, and operations of the National Vehicle and Fuel Emissions Laboratory (NVFEL) facility, equipment, and grounds for laboratory and administrative use. The additional work is an increase of about 3% of the existing contract.

3. *Description of the services:* The current contractor provides services for the maintenance of equipment to the existing contract for managed operations, maintenance, and auxiliary support services necessary to preserve and sustain the continued appearance, and operation of the NVFEL facility, equipment, and grounds for laboratory and administrative use. The contractor shall provide the necessary personnel, supervision, equipment and supplies to perform the requirements of the PWS.

4. *Authority:* Award will be made under 10 U.S.C. 2304(c)(3) or 41 U.S.C. 253(c)(3). (FAR 6.302-3).

5. *Describe how the contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:* The current NVFEL in Ann Arbor, Michigan facilities and maintenance services for the facility are being performed by Taritas Power Systems Inc. under Contract Number EP-C-11-052 which will expire on 09/30/2016. The additional work is for the current contract period (Option Period III) and the two remaining option periods (Option Period III and Option Period **N**).

The NVFEL facility has recently completed the expansion of the existing laboratory facilities and has installed additional equipment (referenced Equipment List spreadsheet dated 10-28-13) that needs to be included in the facilities managed operations, maintenance, and auxiliary support services. There is an immediate need to begin facilities management and maintenance.

In order to maintain an essential engineering, research, of a federally funded research and development center, Taritas Power Systems Inc. is the only cost effective and responsible source able to provide these additional services, with its combination of support services expertise and their immediate familiarity with the ongoing tasks, issues and projects. Taritas already provides these services on other similar EPA equipment that is part of their existing contract. In addition some of the expendables used in this existing work would also be the same used in this new work (filters, belts, etc).

It is not practicable, or cost effective, for another contractor to develop a separate maintenance program for the integrated facility. Permitting another contractor to perform the work would require a substantial duplication of effort and substantial increase in price to the government. It is in the best interest of the government to add the work to the existing contract.

6. *Describe the efforts made to ensure that offers are solicited from as many potential sources as practicable:* Award will be made on a noncompetitive basis (reference FAR 6.302-

3). The notice will be publicized on the Fed Biz Ops website and CPOD website.

7. *Determination of reasonable price:* The basis for the determination of a fair and reasonable price is the comparison to the Independent Government Cost Estimate (IGCE).

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The estimate is based upon the prices for the current contract. The contract was competitively awarded among small businesses.

8. *Description of market research conducted:*

The Industry standard for operation and maintenance services is to include labor and material range from \$3.00 to \$5.00 per net assignable square foot, depending on building complexity. Using the existing competitively awarded TPS contract, the cost per net assignable square foot is \$4.67. This latest contract modification adds 16,000 net assignable square feet, with a rounded proposal cost of \$49,000/year. This then calculates to a cost of \$3.06 per net assignable square foot. On this basis, the cost for the additional scope in the modification is reasonable.

9. *Other facts supporting the use of other than full and open competition:*

- Awarding to the existing O&M contractor, TPS, who already performs O&M services on other similar EPA equipment provides continuity of service. This continuity comes from the fact that a new and separate contractor would need time to come up to speed in terms of equipment and maintenance requirements, EPA would bear additional costs as a new contractor would include project management, supervisory, and administrative costs that duplicate costs already paid to TPS.
- This new equipment and space is currently not being maintained. Should there be a failure in any equipment or the space itself, there would be considerable delay to the program testing activities as individual contracts would be necessary to make repair so testing work could continue.

10. *List sources that expressed, in writing, an interest in the acquisition:* None for this extension.

11. *Include a statement of actions, if any, the Agency may take to remove or overcome any barriers to competition before any subsequent acquisition for supplies or services required.* The additional maintenance items will be included in the follow-on contract for this facilities management contract scheduled to occur in 2015.

12. Project Officer's Certification

I certify that the facts and representations stated in this justification are complete and accurate which form the basis to award this requirement.

Signed
Steven Dorer
Project Officer
(734) 214-4503

Program Office Certification

Signed Amy Cauldwell
Central Services Center Director
(734) 214-4315

Contracting Officer's Determination:

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Signed

Date: _____

Michael D. Kreacic
Contracting Officer
(513) 487-2104

Approval:

Sandy Savage
Team Leader, OOOO Service Center
(513) 487-2144